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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LAMONTAGNE,

Plaintiff,

-v.-

PROJECT RUNWAY, et al.,

Defendants.  
-----X

:  
: 06 Civ. 4934 (LAP)  
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: ORDER  
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LORETTA A. PRESKA, Chief United States District Judge:

Based on the attached the letter, the parties have agreed to voluntarily dismiss the action. The case is dismissed as to all defendants in its entirety without prejudice.

SO ORDERED.

Dated: New York, New York  
January 4, 2011

  
LORETTA A. PRESKA, Chief U.S.D.J.

**Hogan  
Lovells**

Hogan Lovells US LLP  
875 Third Avenue  
New York, NY 10022  
T +1 212 918 3000  
F +1 212 918 3100  
www.hoganlovells.com

January 4, 2011

**By Facsimile**

Hon. Loretta A. Preska  
Chief United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: *LaMontagne v. Project Runway, et al.*, 06 CIV 4934 (LAP)**

Dear Chief Judge Preska:

We represent defendants in the above-referenced action. We submit this letter to request that, pursuant to a recent email from plaintiff Joel LaMontagne, this Court dismiss this action as to all defendants in its entirety with prejudice. A copy of Mr. LaMontagne's email is enclosed herewith.

As set forth more fully in my November 30, 2010 letter to Your Honor, which is enclosed herewith without its exhibits, defendants believe this case is wholly meritless, particularly in light of this Court's prior ruling that defendants independently created *Project Runway*. Nevertheless, in order to expedite a resolution of this matter, defendants agreed to engage in limited discovery in the hopes that plaintiff would realize the case was without merit and dismiss it. After discovery was complete, on October 18, 2010, Your Honor directed the parties to confer and report to the Court no later than November 30, 2010 with either (1) a stipulation of discontinuance of this action, or (2) a proposed briefing schedule on the merits of plaintiff's claims. Unfortunately, the parties were unable to submit a report jointly because plaintiff requested an extension of time to find new counsel and defendants wanted to proceed with a motion for summary judgment. On December 2, 2010, Your Honor issued two orders, which directed the defendants to submit a motion for summary judgment and granted the

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Chief Judge Preska

- 2 -

January 4, 2011

motion of Ivan Schwartz, counsel for plaintiff, to withdraw from the action upon the filing of a notice of appearance of new counsel for Mr. LaMontagne.

Since that time, defendants have been working on a motion for summary judgment in this action, which they believe would dispose of this case in its entirety. On December 27, 2010, however, we received an email from plaintiff, which is enclosed herewith, stating that he cannot find new counsel "to represent [his] case" and that he is "forced to voluntarily dismiss [his] case." For this reason, defendants respectfully request that this Court dismiss this action as to all defendants in its entirety with prejudice.

Thank you for your consideration.

Respectfully,



Eric J. Lobenfeld

Partner  
eric.lobenfeld@hoganlovells.com  
D +1.212.918.8202

cc: Ivan B. Schwartz, Esq. (by electronic mail)  
James W. Badie, Esq. (by electronic mail)  
Joel LaMontagne (by electronic mail)

**Strom, Rachel F.**

**From:** Joel LaMontagne [JDL115@cfl.rr.com]  
**Sent:** Monday, December 27, 2010 8:52 PM  
**To:** Strom, Rachel F.  
**Cc:** Lobenfeld, Eric J.  
**Subject:** Re: LaMontagne v. Project Runway

Rachel,

Due to the fact that I cannot find a replacement attorney to represent my case I am forced to voluntarily dismiss my case against Project Runway.

Regards,  
Joel LaMontagne  
3725 N. Indian River Dr.  
Cocoa, FL 32926  
321-403-6602

1/4/2011